

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARK KRAWCZAK,

Plaintiff,

v.

CASE NO. 14-11281

COMMISSIONER OF
SOCIAL SECURITY,

DISTRICT JUDGE NANCY G. EDMUNDS

Defendant.

**ORDER RETURNING THE REPORT AND RECOMMENDATION [19] TO THE
MAGISTRATE JUDGE WITH INSTRUCTIONS AND DENYING AS MOOT
DEFENDANT'S OBJECTION TO THE MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION [20]**

This matter comes before the Court on the Magistrate Judge's February 26, 2016 Report and Recommendation *Sua Sponte* Remand (docket no. 19). The Court has reviewed the Report and Recommendation and Defendant's Objection to the Magistrate Judge's Report and Recommendation (dkt. no. 20). The Court notes that Defendant's Objection highlights existing evidence of record, specifically that of medical expert testimony, that was not considered in the Magistrate Judge's report and recommendation.

In light of the Magistrate Judge's familiarity with this matter and the existing evidence highlighted by Defendant's Objection, the Court finds that the most efficient means of disposing of these issues is to return the Report and Recommendation (dkt. no. 19) with instructions to reconsider it in light of the evidence and authority highlighted by Defendant's Objection. In resolving objections to the magistrate judge's disposition, the "district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions." Fed. R. Civ. P. 72(b)(3); see

also 28 U.S.C. § 636(b)(1) ("A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions."); *Thompson v. Corr. Med. Servs., Inc.*, 09-14483, 2014 WL 3894367, at *2 (E.D. Mich. Aug 8, 2014) (Borman, J) (recommitting a motion for summary judgment to the magistrate judge).

For these reasons, the Court RETURNS and RECOMMITS the Report and Recommendation (dkt. no. 19) to the Magistrate Judge with instructions that the Magistrate Judge reconsider it in light of the record medical evidence and issues raised by Defendant's Objection, and DENIES as moot Defendant's Objection (dkt. no. 20).

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: March 25, 2016

I hereby certify that a copy of the foregoing document was served upon counsel of record on March 25, 2016, by electronic and/or ordinary mail.

s/Carol J. Bethel
Case Manager